IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4966 OF 2005

Mr. Ashok Ratanchand Jain ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. A.P. Mundargi, Sr. Advocate with Shri. A.M. Sarogi for the Applicant.
Shri. K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 26, 2005.

P.C.:

1. Heard Shri. Mundargi, learned Senior Counsel appearing for the Applicant and the learned A.P.P. for the State. Application for Anticipatory Bail made by the Applicant has been rejected by the Trial Court.

2. The learned Counsel appearing for the Applicant submitted that on plain reading of the F.I.R. it is apparent that the dispute is purely of civil nature relating to the year 2002 and belatedly the complaint has been filed. The learned A.P.P. submitted that similar offences have been registered against the Applicant in past and he has been enlarged on bail.

3. I have considered the submissions. The F.I.R is registered on 14th July, 2005. According to the case of the complainant, he has delivered diamonds to one Smt. Lata Khaira who is also co-accused, who in turn handed over the diamonds to the Applicant in March, 2002. Thus, the complaint is filed after the

lapse of more than three years. The complaint refers to the meeting held between the parties in August 2003. On plain reading of the F.I.R. it appears that there is some substance in the submission made by the Advocate appearing for the Applicant that dispute seems to be of a civil nature. There are documents annexed to this Application showing that the Applicant is suffering from cancer and he is undergoing chemotherapy. Considering the facts and circumstances of the case, it is obvious that undue harassment will be caused to the Applicant if he is arrested in the crime registered by the F.I.R. which is belatedly lodged.

4. Hence, I pass the following order:

: O R D E R :

i) In the event of the arrest of the Applicant in connection with **C.R.No.130 of 2005 of Malvani Police Station,** the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of **Rs.50,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will attend the concerned Police Station once in a week till filing of the chargesheet and will

co-operate for investigation.

iii) The Bail is granted subject to condition that the Applicant shall not, direclty or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/Investiating Agency. The Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicant only till chargesheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE